
Chapter 1

Purpose and Need

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PURPOSE AND NEED

1.1 INTRODUCTION

The Las Vegas Field Office of the Bureau of Land Management (BLM)¹ plans to dispose of BLM managed land in the Las Vegas Valley, consistent with the Southern Nevada Public Land Management Act of 1998 (SNPLMA), as amended by the Clark County Conservation of Public Land and Natural Resources Act of 2002 (Clark County Act). The BLM administers federal public land in small and large parcels interspersed among private land in the Las Vegas metropolitan area and in significant federal land holdings surrounding the Las Vegas Valley. These interspersed parcels are difficult for federal management and thus are more appropriate for disposal and management by local governments. In addition, the demand for federal land by local governments and private parties has exceeded expectations. Thus the United States (U.S.) Congress passed the SNPLMA legislation authorizing the BLM to dispose of federal land in Clark County, Nevada consistent with community land use plans and policies. The SNPLMA also provides for the acquisition of environmentally sensitive land in the State of Nevada.

The National Environmental Policy Act (NEPA) of 1969 [42 USC 4321 *et seq.*] requires federal agencies to consider environmental consequences in their decision-making process. The Council on Environmental Quality (CEQ) issued regulations [40 Code of Federal Regulations (CFR) 1500-1508] to implement NEPA that include provisions for both the content and procedural aspects of the required environmental analysis. The BLM NEPA Handbook (H-1790-1) provides instructions for compliance with the CEQ regulations and Department of Interior guidance (516 DM 1-7) on NEPA. The Act is the mechanism by which

BLM assures its decisions are based on an understanding of potential environmental consequences.

The CEQ regulations are used in conjunction with the BLM NEPA Handbook to determine the appropriate documentation in regard to the level of environmental analysis needed. The most comprehensive analysis is the Environmental Impact Statement (EIS). It was determined that the major federal action of land disposal has the potential to significantly affect the quality of the human and natural environment, thus an EIS has been prepared. This EIS satisfies the following goals:

- Assist BLM officials in making decisions that are based on an understanding of environmental consequences and take actions that protect, restore, and enhance the environment.
- Identify ways that environmental effects can be avoided or reduced.
- Prevent significant avoidable effects to the environment by implementing alternatives or mitigation measures if feasible.
- Disclose to the public the environmental information and analyses upon which the disposal decisions would be based.
- Augment and update analyses of land management actions approved in the Las Vegas Resource Management Plan (RMP) approved October 5, 1998, and to complete environmental analyses of all public lands available for disposal within the disposal boundary area.
- Assess potential impacts of other types of disposal or land use actions, including but not limited to rights-of-way (ROW), Recreation and Public Purposes (R&PP) leases, permits, and licenses.

This EIS identifies the environmental consequences that may result from the disposal and use

¹A list of the acronyms used in this document is provided in Appendix H. The list is printed on the right side of 11x17 paper. This allows the reader to unfold the List of Acronyms pages and have it visible while reading the EIS. Acronyms will be redefined in each chapter of the EIS.

of all remaining BLM managed lands within the disposal boundary area, including ROWs, leases permits, permits, and other development, and identifies methods to avoid, minimize, and mitigate, as appropriate for potential adverse impacts. This document also presents a record of consultation, coordination, and cooperation with other interested parties during the EIS preparation.

1.2 PURPOSE AND NEED

The Las Vegas metropolitan area is one of the fastest growing urban areas in the United States. Population growth since 1995 has exceeded projections made prior to that time and growth is anticipated to continue along this upward trend into the future. Population growth for the Las Vegas Valley is projected to increase from 1.69 million in 2004 to 2.48 million people by 2018 (Nevada State Demographer 2004).

The BLM managed lands in the Las Vegas Valley are being surrounded by more urbanized private lands. These federal parcels interspersed among private lands are difficult for the BLM to properly manage. Disposal would allow the local governments to control, manage, and regulate the future uses of these lands. The land disposal action would also make the public lands available for use by local governments for public purposes or for purchase at auction to accommodate the rapid urban development in the Las Vegas Valley. The issuance of ROWs, permits, and R&PP leases and conveyances would provide for the expansion of necessary infrastructure needs for development.

1.2.1 Authorizing Legislations

Disposal of federal public lands in the Las Vegas Valley is not new. It has occurred over time in accordance with different legislation, including the Recreation and Public Purposes Act of 1926, Airport Act of 1928, Small Tract Act of 1938, and Federal Land Policy and Management Act (FLPMA) of 1976. Congress specifically provided for disposal of public land for development in Clark County under the Santini-Burton Act of 1980. Revenue from the land sales under the Santini-Burton Act is distributed to the state and local governing jurisdictions and used for acquisition of environmentally sensitive lands in the Lake Tahoe

basin. The Nevada Land Transfer and Authorization Act of 1989 provided for the direct sale of public land northeast of Las Vegas to Clark County for national defense and heavy industrial use purposes. Congress again addressed management difficulties with urbanization around federal public lands in SNPLMA, which is discussed in further detail in the following sections.

1.2.1.1 Southern Nevada Public Lands Management Act

Congress enacted the Southern Nevada Public Lands Management Act of 1998, Public Law (PL) 105-263, to address concerns over federal management of lands in an urbanizing area. The SNPLMA authorizes the BLM to dispose of approximately 52,000 acres of public land located within a specific boundary in the Las Vegas Valley. Shortly after approval of SNPLMA, the BLM experienced a rapid increase in the requests for public land disposal.

Prior to the passage of SNPLMA, rapid growth of Las Vegas had resulted in a large number and scale of land exchanges conducted by the BLM. The procedures used for these exchanges and sales resulted in significant demands on the BLM administrative resources and raised concerns about the effectiveness of land disposal actions in Clark County. The Senate and House committee reports on SNPLMA indicate that the law would establish and authorize the BLM to implement an improved process for public/private land transactions throughout Southern Nevada.

Local governments also expressed concern over the demands placed on their resources by the privatization of federal land through the land exchange and land sale processes in existence prior to the implementation of SNPLMA. Private landholders acquired large tracts of land in the Las Vegas Valley by exchanging holdings at other locations determined to be environmentally sensitive. Most of the land transferred to federal ownership through exchanges prior to enactment of SNPLMA was for land outside Clark County. Between 1987 and 1997 the BLM privatized approximately 17,380 acres of land in Clark County. Because land exchanges and sales often involved large tracts that were not contiguous with existing

areas of development, local governments were required to commit to significant expenditures to provide infrastructure to newly privatized lands.

The BLM manages significant land holdings within developed areas of the Las Vegas Valley. These undeveloped lands create management difficulties from a federal land and resource management perspective and interfere with ongoing land use planning and infrastructure development by local communities. The SPLMA addressed concerns regarding the land disposal process, federal land management, and local government concerns by specifying local government roles in nominating lands for disposal, distribution and use of funds generated through land sales, and the disposal boundary area where these procedures and fund disbursement requirements apply.

The lands available for disposal under SNPLMA may be offered for sale at fair market value to the general public by competitive bidding at public auction, in accordance with the procedures specified by FLPMA. The BLM may also sell or convey land in the disposal area under the authority of the Recreation and Public Purposes Act. Land is conveyed subject to valid existing rights. The land disposal would not preclude other existing authorized uses of public lands such as rights-of-way, leases, and recreation and public purposes. The SNPLMA also withdraws lands within the disposal boundary area from entry under the Mining Act, leasing of mineral rights, or granting of other rights that would encumber the land prior to disposal.

The lands to be offered for sale at public auction are selected by the BLM, Clark County, and the cities of Las Vegas, North Las Vegas, and Henderson. This selection process involves months of cooperative effort between the BLM and these local governments whose proposed actions are based, in part, on parcel nominations received from the general public and private developers.

The gross proceeds from the land sales under the authority of SNPLMA are divided among the State of Nevada General Education Fund (5 percent for use in the general education program in the State), Southern Nevada Water Authority (10 percent for water treatment and transmission facil-

ity infrastructure in Clark County), and a special account in the Treasury of the United States (85 percent for use pursuant to the provisions of SNPLMA). Funds in the special account will be available to the Secretary of the Interior without further appropriation and shall remain available until expended.

1.2.1.2 Clark County Conservation of Public Land and Natural Resources Act

Title IV of the Clark County Conservation of Public Land and Natural Resources Act, Public Law 107-282, amended SNPLMA to increase the disposal boundary area and to include regional governmental entities in the process for receiving funds for the development of parks, trails, and natural areas in Clark County. The changes to the disposal boundary area increased the amount of land available for disposal by approximately 22,000 acres. The adjustment to the disposal boundary was made to address the continuing rapid increase in the growth of Las Vegas. Subject to valid existing rights, all land designated for disposal was withdrawn from entry and appropriation under the public land laws, location and entry under the mining laws, and from operation under the mineral leasing and geothermal leasing laws.

1.2.2 Interrelationship and Conformance with Resource Management Plan

Prior to passage of SNPLMA and the Clark County Act, the Las Vegas RMP addressed disposal of land throughout the planning area, including a disposal area of 51,826 acres immediately surrounding metropolitan Las Vegas. This land in the Las Vegas Valley was the same as the disposal boundary area addressed by SNPLMA. Congress added approximately 200 acres in the final bill prior to passage and signature by President Clinton, thereby increasing the disposal area to 52,021 acres. At the time the RMP was completed in 1998, the BLM estimated demand for land for development based on projected population growth and community land use plans for the area. The Final EIS for the RMP analyzed the potential impacts of selling 25,540 of the 51,826 acres of public land located within the Las Vegas

Valley Disposal Area. The environmental impacts of selling more than 25,540 acres of public land were not analyzed because the RMP assumed that this amount of land was the maximum that would be sold during the 20-year planning period through 2018.

The rapid growth in the Valley has resulted in disposal of the projected acreage in the first several years of the RMP planning period and has created a demand for release of additional public lands. The BLM has prepared this EIS to assess the potential impacts of selling the remaining 26,286 acres within the original disposal boundary and the approximately 22,000 acres added when the boundary was expanded in 2002.

The proposed action is in conformance with management objectives and directions of the Las Vegas RMP for land disposal, rights-of way management, and recreation management. Public lands within the disposal boundary area are available for disposal or authorized use through sale, exchange, R&PP lease, or permit in accordance with FLPMA as specified in the RMP as management actions LD-1 and LD-2. The BLM will continue to meet public demand for ROW access for transportation, utilities, and flood control facilities as specified in RW-1, RW-1-d, and RW-1-h, and reserve lands for recreation needs through R&PP applications by local governments as specified in RC-5-a.

1.3 LOCATION OF DISPOSAL BOUNDARY AREA

The disposal boundary area encompasses the Las Vegas Valley in southern Clark County, Nevada (see Figure 1.3-1). The public lands available for disposal are located within the boundary that was defined by SNPLMA and amended by the Clark County Act. The disposal boundaries prescribed by these two acts are shown in Figure 1.3-2. The larger contiguous BLM parcels available for disposal are primarily located in the northern and southern portions of the disposal boundary area with numerous parcels of various sizes scattered throughout the Valley as shown in Figure 1.3-3. There are 46,701 acres of public land remaining to be disposed either by public auction or by con-

veyance or sale under the authority of the Recreation and Public Purposes Act.

1.4 RELEVANT STATUTES, REGULATIONS, AND GUIDELINES

The following subsections provide a brief description of the laws, regulations, executive orders, and other guidance that may apply to the land disposal activities in the Las Vegas Valley.

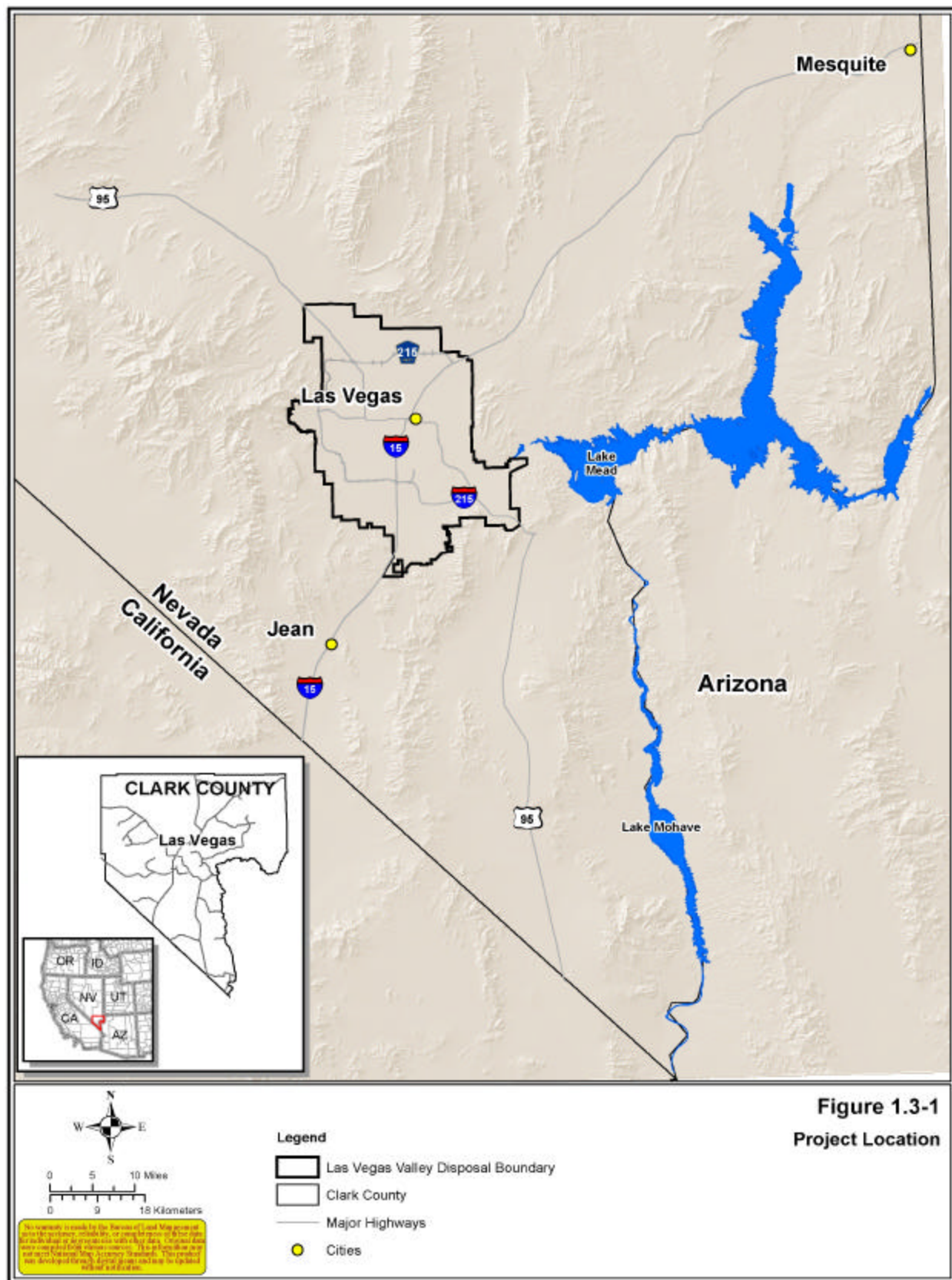
1.4.1 Environmental Policy

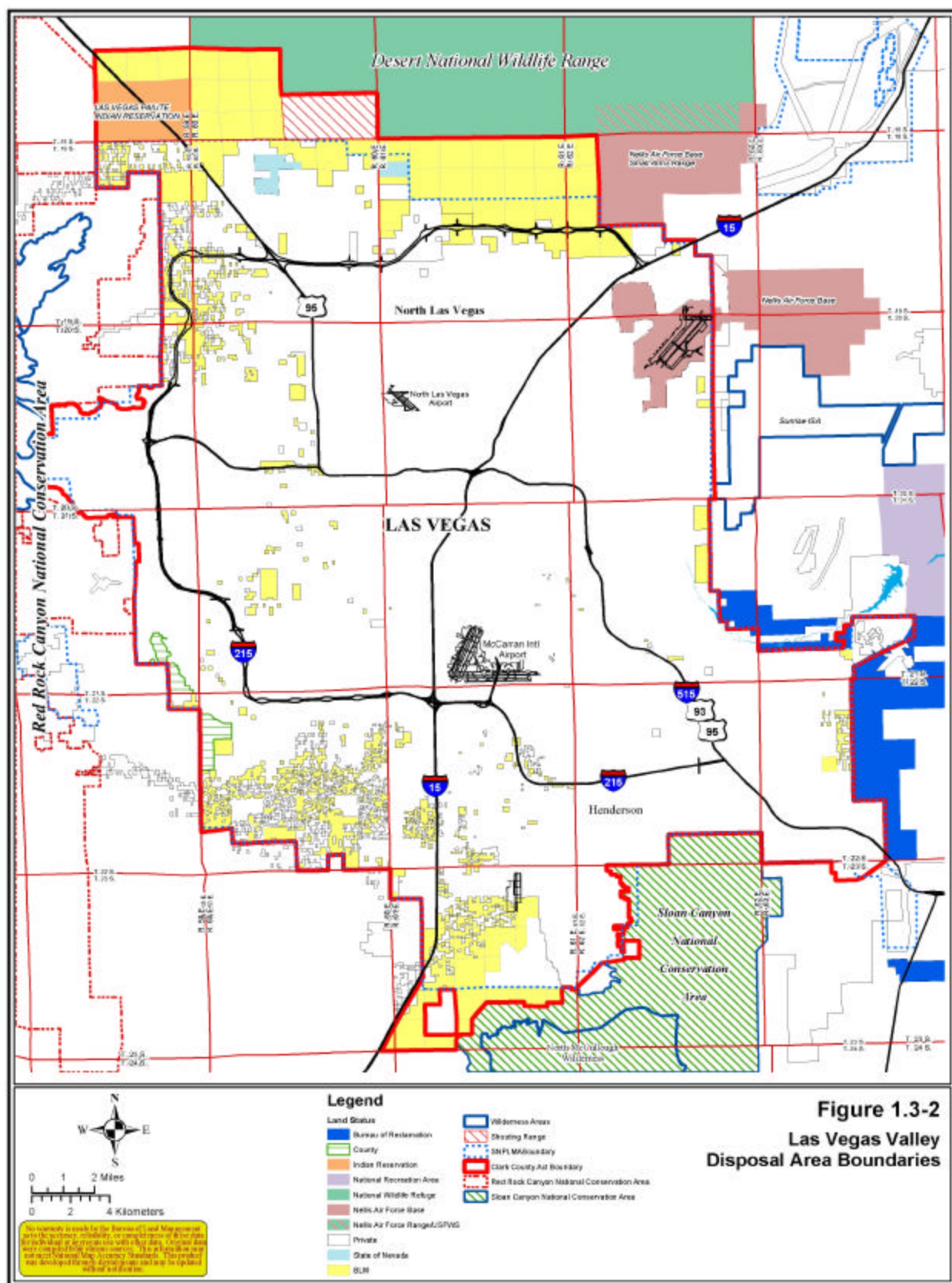
The National Environmental Policy Act of 1969 establishes national policy, sets goals, and provides the means to prevent or eliminate damage to the environment. The NEPA procedures ensure that information about environmental impacts is available to public officials and citizens before decisions are made on major federal actions that may significantly affect the environment. The CEQ regulations implement the procedural provisions of NEPA.

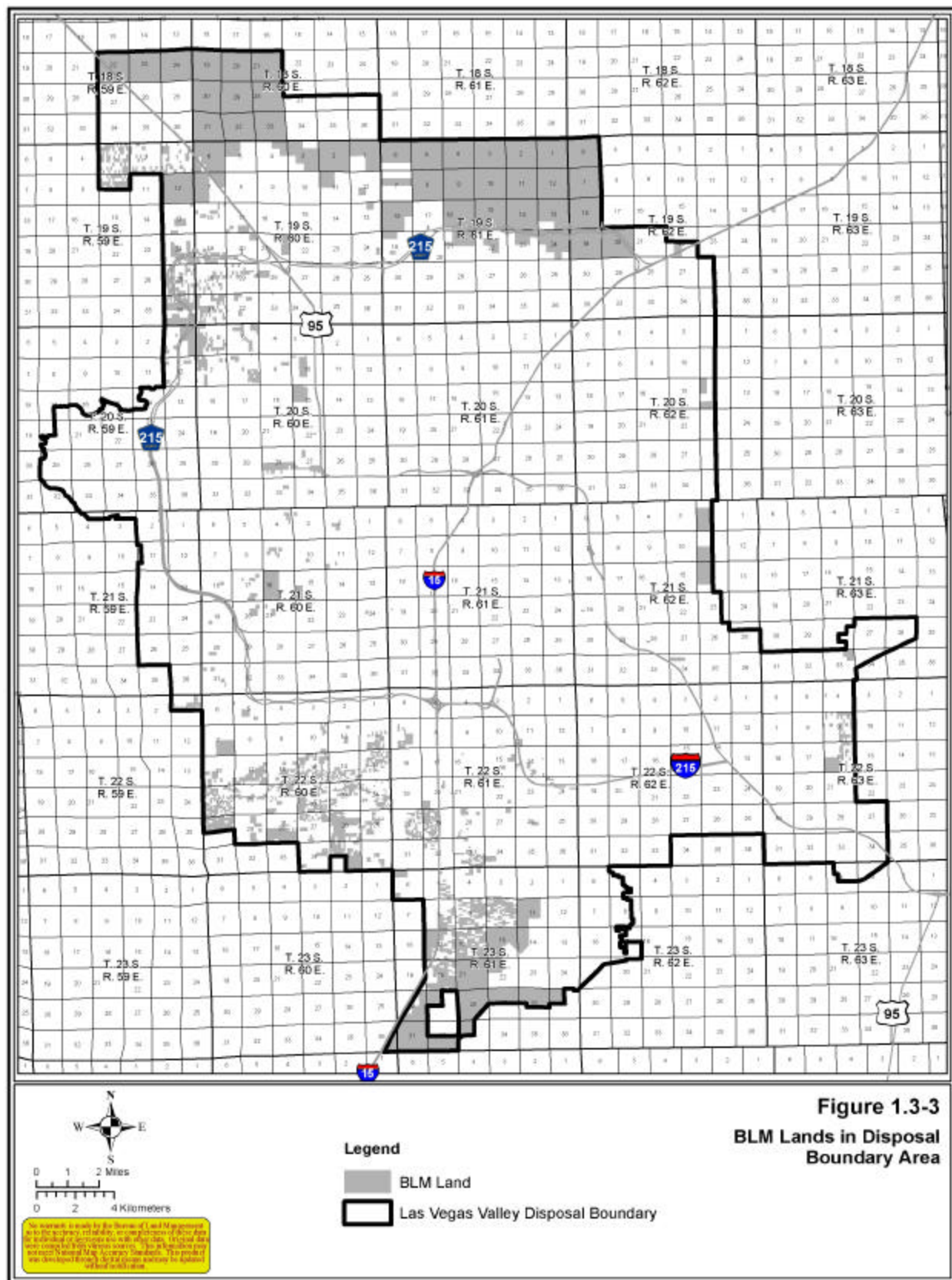
Protection and Enhancement of Environmental Quality [Executive Order (EO) 11514, as amended by EO 11991] establishes the policy for federal agencies to provide leadership in environmental protection and enhancement.

1.4.2 Land Use and Natural Resources Management

The Federal Land Policy and Management Act, as amended [43 US Code (USC) 1701, et seq.], establishes the land use policies and planning requirements for the BLM to manage federal lands, including implementation of resource management actions required by laws governing specific land uses such as livestock grazing, mining, right-of-ways, recreation and public purposes leases, and permits. The FLPMA also specifies the requirements that must be followed in the disposal of federal lands, including determination of market value, method of disposal, requirements for notification to the public, administration of sales, and issuance of patent conveying land out of jurisdiction of the BLM. The Act requires land use







planning to establish and implement land use requirements that provide opportunities for use of public lands and access to resources while protecting sensitive features and the public interests and values in the land and its resources.

The General Mining Law of 1872, as amended [30 USC 22, et seq.], provides for locating and patenting mining claims where a discovery has been made for locatable minerals on public lands in specified states. However, the Interior and Related Agencies Appropriation Act of 1994 included a moratorium on acceptance or processing of mineral patent applications.

The Materials Act of 1947, as amended [30 USC 601 et seq.], provides for the sale of common variety materials for personal, commercial, or industrial uses and for free use for local, state, and federal governmental entities.

The Taylor Grazing Act of 1934, as amended [43 USC 315], regulates grazing use on public lands and provides for improvements of public rangelands.

The Federal Noxious Weed Act of 1974, as amended [7 USC 2814], provides for the designation of a lead office and a person trained in the management of undesirable plants, establishment and funding of an undesirable plant management program, completion and implementation of cooperative agreements with state agencies, and establishment of integrated management systems to control undesirable plant species.

The Wild Free Roaming Horse and Burro Act of 1971 [PL 92-195] provides for the management, protection, and control of wild horses and burros on public lands and authorizes adoption of wild horses and burros by private individuals.

1.4.3 Biological Resources

The Endangered Species Act [16 USC 1531-1543] requires Federal agencies that authorize, fund, or carry out actions to avoid jeopardizing the continued existence of endangered or threatened species, and to avoid destroying or adversely modifying their critical habitat. Federal agencies must evaluate the effects of their actions on endangered

or threatened species of fish, wildlife, and plants, and their critical habitats and take steps to conserve and protect these species. All potentially adverse impacts to endangered and threatened species must be avoided or mitigated.

The Migratory Bird Treaty Act of 1918, as amended [16 USC 703 et. seq.], provides for the protection of migratory birds and prohibits their unlawful take or possession.

1.4.4 Air Quality

The Clean Air Act (CAA), as amended [42 USC 7401 et seq.], establishes federal policy to protect and enhance the quality of the Nation's air resources to protect human health and the environment. The CAA sets national primary and secondary ambient air quality standards as a framework for air pollution control.

The CAA Amendments of 1977 initiated the association of federal agency activities with a State Implementation Plan (SIP). The 1977 provisions stated that no Federal agency could engage in, support in any way or provide financial assistance for, license or permit, or approve any activity which did not conform to a SIP after its approval or promulgation. Section 176(c) of the CAA Amendments of 1990 expanded the scope and content of the conformity provisions by defining conformity to an implementation plan. Specifically, the language asserts that a federal agency cannot approve or support an action which causes or contributes to new violations of any National Ambient Air Quality Standard (NAAQS), increases the frequency or severity of existing violations of any NAAQS, or delays the timely attainment of any NAAQS or any required interim emission reductions or milestones.

However, land disposal actions are not subject to conformity with existing SIPs because land disposal does not create or increase sources of pollutants or emission rates. Federal agencies are not responsible for ensuring conformity for any activities that occur subsequent to transfer of lands to non-federal entities. However, federal agencies are required under NEPA to disclose potential impacts of potential future use that is most likely to occur on the land surface. This EIS will dis-

close impacts of use and development of the lands within the amended SNPLMA disposal boundary.

1.4.5 Water Quality

The Clean Water Act, as amended [33 USC 1251 et seq.], establishes federal limits through the National Pollution Discharge Elimination System (NPDES) on the amounts of specific pollutants that are discharged to surface waters in order to restore and maintain the chemical, physical, and biological integrity of the water. An NPDES permit or modification to an existing permit would be required for any change from the present parameters in the quality or quantity of wastewater discharge and/or stormwater runoff. The Act also mandates regulatory requirements for a permit system under Section 404 to place fill material into waters of the U.S.

Nevada Water Quality Regulations implement permitting and monitoring requirements for NPDES, operation of injection wells, groundwater protection requirements, prevention and response requirements for spills, and salinity standards and criteria for the Colorado River Basin.

Protection of Wetlands [EO 11990] requires federal agencies to take action to minimize the destruction, loss, or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands.

Floodplain Management [EO 11988] requires federal agencies to evaluate the potential effects of actions on floodplains and to consider alternatives to avoid adverse effects and incompatible development wherever possible.

1.4.6 Cultural Resources

The National Historic Preservation Act of 1966, as amended [16 USC 470 et seq.], requires federal agencies to determine the effect of their actions on cultural resources and take certain steps to ensure these resources are located, identified, evaluated, and protected. The Act requires federal agencies to consult with the State Historic Preservation Officer concerning those effects and to identify and nominate properties that may qualify for listing on the National Register of Historic Places.

The Archaeological Resources Protection Act, as amended [16 USC 470a-11] provides for protection of archaeological resources on federal lands. The Act requires permits for the excavation or removal of federally administered archaeological resources and encourages cooperation among federal agencies and private individuals in identifying and protecting important resources.

The Antiquities Act of 1906 [16 USC 431-433] and its implementing regulations seek to protect historic and prehistoric ruins, monuments, and objects of antiquity and scientific interest on lands owned or controlled by the U.S. Government.

The American Indian Religious Freedom Act of 1978 [42 USC 1996] establishes a policy of protecting and preserving the inherent right of individual Native Americans to believe, express, and exercise their traditional religions.

Protection and Enhancement of the Cultural Environment [EO 11593] directs federal agencies to locate, inventory, nominate, and protect federally-owned cultural resources eligible for the National Register of Historic Places and to ensure that their plans and programs contribute to preservation and enhancement of non-federally owned resources.

Indian Sacred Sites [EO 13007] directs federal agencies to accommodate access to and ceremonial use of Indian sacred sites, and to avoid adversely affecting the physical integrity of sacred sites.

Consultation and Coordination with Indian Tribal Governments [EO 13175] directs federal agencies to establish regular and meaningful consultation and collaboration with tribal officials on federal actions that have tribal implications.

1.4.7 Hazardous Materials

The American Society for Testing and Materials (ASTM) Standard E 1527-00 and Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act [42 USC 9601 et seq.] provide guidelines for conducting investigations and providing notice regarding the presence of hazardous substances on federal lands prior to the sale or transfer of such federal lands.

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